



## NORTH AMERICAN EQUIPMENT DEALERS ASSOCIATION

Serving Farm, Industrial and Outdoor Power Dealers

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January 2, 2006

Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

Re: CG Docket No. 05-338

To Whom It May Concern:

The North American Equipment Dealers Association (NAEDA) represents over 4,800 retail agricultural, industrial and outdoor power equipment dealerships in the U.S. and Canada. Collectively, these dealerships employ nearly 100,000 people. NAEDA is an association that works with 15 affiliated associations in the U.S. and three in Canada. It's on their behalf – and the dealerships we serve – that I am writing to you about the established business relationship (EBR).

Our comments are divided into two parts based on the Federal Register notice dated December 19, 2005. One part deals with NAEDA and our affiliates as associations and the second part with our responsibility to represent our dealers and their business interests.

### Part One

NAEDA and our affiliates manage organizations that exist to serve and provide value to their members. Organizational membership and participation provide an important resource to our members to achieve a variety of personal, professional, business, social, and educational goals. We strive to offer a variety of current communications, sophisticated educational courses and seminars, and related publications, such as books and periodicals. E-mail and faxing has become the preferred vehicle to deliver these messages to our membership. Establishing an EBR exemption will assist us in our efforts to serve our members effectively. Part of the reason people join associations is their expectation that they will have access to outstanding programs, products and services. Making members aware of these opportunities is simply part of why they join.

We respectfully request that you establish an EBR exemption that allows us to continue to be an important resource to our members.

### Part Two

On behalf of our dealer members, we support the proposal amending Section 64.1200(a)(3) of the Commission's rules regarding the express recognition of an EBR exemption. We also support the removal of the Commission's rule of Section 64.1200(a)(3)(i) that provides how a facsimile is determined to be "unsolicited" unless the recipient has granted prior permission.

We oppose the Commission's efforts to establish parameters to define what it means for a person to provide a facsimile number. We do not support the concept, as outlined in the proposed rules, that a facsimile number must be made "publicly available" to establish an EBR.

Our dealers, like NAEDA and our affiliates, use facsimiles to communicate with their customers on equipment sales, parts and service offerings and other services often sought by customers. To unfairly curtail their business activities with undo burdens to establish an EBR will only cost money and time that could be better spent serving the very customer you need not protect.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Kindinger", with a stylized, flowing script.

Paul Kindinger  
CEO